

**STILLWATER COUNTY PLANNING BOARD
MINUTES OF MEETING**

Wednesday, November 3, 2021 at 7:00p.m.
Stillwater County Pavilion
328 5th Avenue N., Columbus, MT

BOARD MEMBERS PRESENT: Ray Karls, Curtis Jacobs, Dan Sayer, Gary Enstrom, and Jerry Edwards

BOARD MEMBERS NOT PRESENT: Carolyn Hutson, Steve Arnold, and Bob Van Oosten

STAFF: Forrest Mandeville and Stephanie Ray,

I. CALL TO ORDER. Ray Karls, President of the Board called the meeting to order at 7:00 p.m.

A. Public Comments. Nothing at this time

B. Disclosures of Conflicts of Interest and Ex-Parte Communications. Nothing at this time.

II. MINUTES:

A. Minutes: Gary made a motion to approve the draft minutes from the October 6th, 2021 County Planning Board Meeting, Curtis seconded; with all in favor, motion passed.

III. NEW BUSINESS: Planning update.

Staff discussed various changes to planning statutes made in the latest legislative session.

IV. OLD BUSINESS: Subdivision Regulations.

Forrest continued discussion of revisions to Section II of the proposed Subdivision Regulations. Review of subdivision applications will require that the Planner has determined the application to be complete and sufficient, County Planning Staff shall notify the applicant of the anticipated date the subdivision will be on the County Planning Board agenda and the number of paper copies to be submitted prior to the Planning Board meeting. After receiving completed subdivision applications, all affected units of local government will also be notified of all subdivision proposals.

Preliminary Plat Approval Period; Approval of the request is at the sole discretion of the governing body.

Amending a Plat after Preliminary Plat Approval but before Final Plat Approval: If the Subdivider proposes to change the Preliminary Plat, or any required condition after Preliminary Plat approval

but before Final Plat approval, the Subdivider shall submit the proposed changes to the Planning Department for review. Within 15 working days of receiving the proposed changes, the Planning Department shall make one of the following determinations:

(1) A determination that the proposed changes are material. The Planning Department shall require the Subdivider to restart all or part of the Subdivision review process as needed to specifically address the proposed changes, and require payment of the appropriate application fee. The following changes, although not an exhaustive list, may be considered material:

- i. configuration of lots;
- ii. road layout;
- iii. water and/or septic proposals;
- iv. configuration of park land or Open Spaces;
- v. Easement provisions;
- vi. designated access; or
- vii. change (including any additions or subtractions) to conditions of approval.

(2) A determination that the proposed changes are not material. The Planning Department shall accept the changes and notify the Subdivider of its decision.

b. A Subdivider whose proposed changes have been deemed material by the Planning Department may appeal the decision to the County Commission by written notice withing 10 working days. During a properly noticed hearing before the County Commission, the Subdivider may submit evidence to show that the changes are not material. The County Commission may reverse or affirm the determination of the Planning Department.

c. A Subdivider whose proposed changes to a Preliminary Plat increases the number of lots, or results in a new Subdivision proposal as determined by the Planning Department, shall follow the procedures established in this Section.

d. If the Subdivider and Planning Department determine that a condition of approval appears to be illegal or impossible to comply with due to circumstances outside the Subdivider's control, economic hardship notwithstanding, the condition shall be reviewed by the County Commission at a properly noticed public hearing in order to determine if the condition may be waived or amended.

Final Plats must be submitted electronically.

Final Plat Review:

a. final plat is considered to be received on the date of delivery to the Planning Office when accompanied by the review fee submitted as provided in 76-3-602.

b. Within 20 working days of receipt of a final plat, the Planning Staff shall determine whether the final plat contains the required information and shall notify the subdivider or, with the subdivider's written permission, the subdivider's agent of that determination in writing.

If the Planning Staff determines that the final plat does not contain the required information, Planning Staff shall identify the final plat's defects in the notification.

c. The Planning Staff may review subsequent submissions of the final plat only for information found to be deficient during the original review of the final plat.

d. When satisfied that the final plat and accompaniments are in compliance, the Planning Staff shall advise the subdivider to submit two reproducible mylars of the final plat along with original copies of all required signatures, notaries, dates, and final plat accompaniments, and forward the information to the governing body for final decision.

e. The governing body may require that final subdivision plats be reviewed for errors and omissions in calculation or drafting by an examining land surveyor before recording with the Clerk and Recorder. The governing body may also require the review of the Certificate of Title Abstract for the land in question by the County Attorney. If the governing body determines that an examining land surveyor must review a final plat, Planning Staff shall identify the requirement in its notification:

f. The time limits apply to each submission of the final plat until a written determination is made that the final plat contains the required information and the subdivider or the subdivider's agent is notified

g. If a determination is made that the final plat contains the required information, the governing body shall review and approve or deny the final plat within 20 working days.

h. The subdivider or the subdivider's agent and the governing body or its reviewing agent or agency may mutually agree to extend the review periods provided for in this section.

Guarantee of Public Improvements; Alternative methods of guaranteeing public improvements and the procedures and requirements for securing the guarantees are provided in Appendix. Locations of all driveways to be included as well as statement that County will not be required to improve or maintain any proposed roads within, or providing access to the subdivision including dust control. Statement of who owns water rights and statement that "the status of mineral rights is not part of the subdivision review process. Statement that legal and physical access is provided to each parcel within the subdivision. Statement that legal and physical access is provided to each parcel.

Planned Unit Developments (PUD) and Cluster Planned Developments. The purpose of a PUD or CPD is to allow flexibility and innovation in subdivision design and land utilization through the relaxation of zoning and subdivision regulations, particularly in certain provisions of the Design and Improvement Standards in Section IV. In view of these relaxations, a PUD or CPD should provide a more desirable environment than could be achieved within the existing zoning and subdivision regulations in terms of:

- a. more economical and efficient use of land;
- e. a choice in the types of physical environment, occupancy tenure, building types, types of ownership, and community facilities available to existing and

- potential residents or tenants;
h. aesthetic appeal.

Preliminary Plat:

(6) Clustering. No more than 9 lots may be sited in a single cluster, though multiple clusters may exist within a single development.

(7) PUD and CPD developments are exempt from the requirement to provide an environmental assessment and from park dedication requirements.

Administrative Provisions:

k. A subdivider may submit a petition for variance either prior to or concurrently with the preliminary plat application, or with a request to amend a conditionally approved preliminary plat. If submitted prior to a preliminary plat application, the preliminary plat application must be submitted within one month of the approval of the variance.

(Please see proposed Subdivision Regulations in Planning Office).

V. ADJOURN: Jerry made a motion to adjourn the meeting at 8:25 p.m., Gary seconded; motion passed.

The next meeting will be on December 1st, 2021 at 7:00 p.m. at the Pavilion.

Christine Baker, Planning